

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

GENELLIA P. YOAKUM,

Plaintiff,

v.

CIVIL ACTION NO. 1:14CV74
(Judge Keeley)

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

**ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT
AND RECOMMENDATION AND DISMISSING THE CASE
WITH PREJUDICE FROM THIS COURT'S ACTIVE DOCKET**

Pursuant to 28 U.S.C. §636(b)(1)(B), Rule 72(b), Federal Rules of Civil Procedure and Local Court Rule 4.01(d), on April 25, 2014, the Court referred this Social Security action to United States Magistrate Robert W. Trumble ("Magistrate Judge Trumble" of "magistrate judge") with directions to submit proposed findings of fact and a recommendation for disposition.

On March 16, 2015, Magistrate Judge Trumble filed his Report and Recommendation ("R&R")(dkt. no. 16), and directed the parties, in accordance with 28 U.S.C. §636(b)(1) and Rule 6(e), Fed. R. Civ. P., to file any written objections with the Clerk of Court within fourteen (14) days after being served with a copy of the R&R. He further directed the parties that failure to file objections would result in a waiver of the right to appeal from the judgment of this

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RECOMMENDATION, REMANDING THE CASE AND DISMISSING
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Court. As of this date, the parties have not filed any objections and the time in which to do so has expired.

Upon consideration of Magistrate Judge Trumble's recommendation and having received no written objections,¹ the Court accepts and approves the R&R and **ORDERS** this civil action disposed of in accordance with the recommendation of the magistrate judge. Accordingly, the Court

1. **GRANTS IN PART** Yoakum's motion for Summary Judgment (dkt. no. 11);
2. **DENIES IN PART** the Commissioner's motion for Summary Judgment (dkt. no. 13);
3. **REMANDS** this civil action to the Commissioner for further consideration pursuant to the recommendations contained in the R&R; and
4. **DISMISSES** the civil action **WITH PREJUDICE** and **ORDERS** it retired from the docket of this Court.

¹ The parties' failure to object to the Report and Recommendation not only waives their appellate rights in this matter, but also relieves the Court of any obligation to conduct a *de novo* review of the issues presented. See Wells v. Shriners Hospital, 109 F.3d 198, 199-200 (4th Cir. 1997); Thomas v. Arn, 474 U.S. 140, 148-153 (1985).

**ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND
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Pursuant to Fed.R.Civ.P. 58, the Court directs the Clerk of Court to enter a separate judgment order and to transmit copies of this Order to counsel of record.

DATED: April 9, 2015

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE